



William C. Baton
Phone: (973) 286-6722
Fax: (973) 286-6822
wbaton@saul.com
www.saul.com

June 23, 2023

VIA ECF

Hon. Michael A. Shipp, U.S.D.J.
United States District Court
Fisher Fed. Bldg. & U.S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

Re: *Supernus Pharmaceuticals, Inc. v. Apotex Inc., et al.*
Civil Action No. 20-7870 (MAS)(TJB) (consolidated)

Dear Judge Shipp:

This firm, together with Haug Partners LLP, represents plaintiff Supernus Pharmaceuticals, Inc. in the above-captioned matter.

We are pleased to inform the Court that the parties have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Stipulation and Order of Dismissal Without Prejudice, which, subject to the Court's approval, would dismiss this case. If the enclosed Stipulation and Order of Dismissal Without Prejudice meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink that reads "William C. Baton".

William C. Baton

Enclosure

cc: Hon. Tonianne J. Bongiovanni, U.S.M.J. (via ECF)
All Counsel (via e-mail)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUPERNUS PHARMACEUTICALS, INC.,

Plaintiff,

v.

APOTEX INC. AND APOTEX CORP.,

Defendants.

Civil Action No. 20-7870 (MAS)(TJB)
(consolidated)

(Filed Electronically)

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

This action for patent infringement having been brought by Plaintiff Supernus Pharmaceuticals, Inc. (“Supernus”) against Defendants Apotex Inc. and Apotex Corp. (collectively, “Apotex”).

Pursuant to Fed. R. Civ. P. 41, Supernus and Apotex, by and through their undersigned counsel, hereby stipulate that:

1. All claims, counter-claims, and defenses asserted by Supernus and Apotex are dismissed without prejudice.
2. The stay of approval under 21 U.S.C. § 355(j)(5)(B)(iii) is terminated. Nothing herein prevents the U.S. Food and Drug Administration from granting final approval to ANDA No. 213369 at any time; and
3. Each party shall bear its own costs and attorneys’ fees with respect to the matters dismissed hereby.

Dated: June 23, 2023

SO STIPULATED:

By: s/ Arnold B. Calmann
Arnold B. Calmann
Katherine A. Escanlar
SAIBER LLC
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932
(973) 622-3333
abc@saiber.com
kae@saiber.com

By: s/ William C. Baton
Charles M. Lizza
William C. Baton
Sarah A. Sullivan
SAUL EWING LLP
One Riverfront Plaza
1037 Raymond Blvd., Suite 1520
Newark, NJ 07102
wbaton@saul.com

Deepro R. Mukerjee
Lance A. Soderstrom
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, NY 10022-2585
(212) 940-6330
deepro.mukerjee@katten.com
lance.soderstrom@katten.com

Edgar H. Haug
Nicholas F. Giove
Jason A. Kanter
Camille Y. Turner
Anna N. Lukacher
HAUG PARTNERS LLP
745 Fifth Avenue
New York, New York 10151
(212) 588-0888
ehaug@haugpartners.com
nigove@haugpartners.com
jkanter@haugpartners.com
cturner@haugpartners.com
alukacher@haugpartners.com

Jitendra Malik
Joseph M. Janusz
Alissa Pacchioli
KATTEN MUCHIN ROSENMAN LLP
550 S. Tryon Street, Suite 2900
Charlotte, NC 28202-4213
(704) 444-2000
jitty.malik@katten.com
joe.janusz@katten.com
alissa.pacchioli@katten.com

*Attorneys for Plaintiff
Supernus Pharmaceuticals, Inc.*

*Attorneys for Defendants
Apotex Inc. and Apotex Corp.*

SO ORDERED on this ___ day of _____, 2023.

Hon. Michael A. Shipp, U.S.D.J.